



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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22 S. Front Street
Columbus, OH 43215-1099

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P.O. Box 1049
Columbus, OH 43216-1049

October 4, 2002

Re: Wayne Twp.
Belmont County
Application No. 06-6937
Application for Coal Refuse Disposal Area and Ground
Water Monitoring Plan for Century Mine
Plans Received June 18, 2002
Revised Plans Received September 23, 2002
From Bill Siplivy, P.E.

CERTIFIED MAIL

American Energy Corporation
Attn: Attn: Melanie Homan
43521 Mayhugh Hill Road
Beallsville, OH 43716

Ladies and Gentlemen:

Enclosed is the Ohio EPA Permit to Install which will allow you to install the described source in the manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

The issuance of this Permit to Install is considered to be a final action of the director. Any person who was a party to this proceeding may appeal this action to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 3745.04. To appeal this action, a written notice of appeal, setting forth the action complained of and the grounds for appeal, must be filed with the Environmental Review Appeals Commission at 236 East Town Street, Room 300, Columbus, Ohio 43266-0557, within thirty (30) days after the date of this letter. You must also serve a copy of the notice of appeal to the director of Ohio EPA and the Environmental Enforcement Section of the Office of the Attorney General within three (3) days of filing a notice of appeal with the Environmental Review Appeals Commission.

You should note that a general condition of your permit states that issuance of the permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

If you have any questions, please contact the Ohio EPA district office to which you submitted your application.

Sincerely

Patti L. Smith, Supervisor
Permit Processing Unit
Division of Surface Water

PLS/dks

Enclosure

cc: Southeast District Office
Belmont County Health Department
Bill Siplivy, P.E.
Scott Stiteler, ODNR-DMRM
John Puterbaugh, ODNR-DMRM

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director



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Ohio Environmental Protection Agency

Permit to Install

Application No: 06-6937

Applicant Name: American Energy Corporation
Address: 43521 Mayhugh Hill Road
City: Beallsville
State: OH, 43716

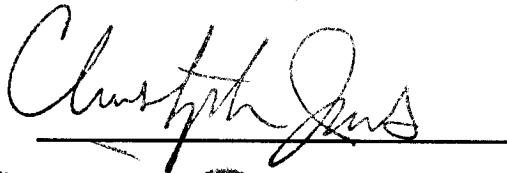
Person to Contact: Melanie Homan
Telephone: 740-926-9152

Description of Proposed Source: Coal Refuse Disposal Area and Ground Water Monitoring Plan for Century Mine, Wayne Twp., Belmont County

Issuance Date: October 4, 2002
Effective Date: October 4, 2002

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws and regulations. Issuance of this permit does not constitute expressed or implied assurance that, if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto.

Ohio Environmental Protection Agency



Christopher Jones
Director
P. O. Box 1049,
122 South Front Street
Columbus, OH 43216-1049

This permit shall expire if construction has not been initiated by the applicant within eighteen months of the effective date of this permit. By accepting this permit, the applicant acknowledges that this eighteen month period shall not be considered or construed as extending or having any effect whatsoever on any compliance schedule or deadline set forth in any administrative or court order issued to or binding upon the permit applicant, and the applicant shall abide by such compliance schedules or deadlines to avoid the initiation of additional legal action by the Ohio EPA.

The director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records, or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants.

Issuance of this permit does not relieve you of the duty of complying with all applicable federal, state, and local laws, ordinances, and regulations.

Any well, well point, pit, or other device installed for the purpose of lowering the ground water level to facilitate construction of this project shall be properly abandoned in accordance with the provisions of this plan or as directed by the director or his representative.

Any person installing any well, well point, pit or other device used for the purpose of removing ground water from an aquifer shall complete and file a Well Log and Drilling Report form with the Ohio Department of Natural Resources, Division of Water, within 30 days of the well completion in accordance with the Ohio Revised code Section 1521.01 and 1521.05. In addition, any such facility that has a capacity to withdraw waters of the state in an amount greater than 100,000 gallons per day from all sources shall be registered by the owner with the chief of the Division of Water, Ohio Department of Natural Resources, within three months after the facility is completed in accordance with Section 1521.16 of the Ohio Revised Code. For copies of the necessary well log, drilling report, or registration forms, please contact:

Ohio Department of Natural Resources
Fountain Square
Columbus, OH 43224-1387
(614) 265-6717

The proposed disposal system shall be constructed in strict accordance with the plans and application approved by the director of the Ohio Environmental Protection Agency. There shall be no deviation from these plans without the prior express, written approval of the agency. Any deviations from these plans or the above conditions may lead to such sanctions and penalties as provided for under Ohio law. Approval of this plan and issuance of this permit does not constitute an assurance by the Ohio Environmental Protection Agency that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

This permit to install applies only to the disposal system listed above. The installation of drinking water supplies, air contaminant sources, or solid waste disposal facilities will require the submittal of a separate application to the director.

No liquids, sludges, or toxic or hazardous substances other than those set forth in the approved permit shall be accepted for disposal without the prior written approval of the Ohio Environmental Protection Agency.

The Southeast District Office of the Ohio Environmental Protection Agency shall be notified in writing as to (a) the construction starting date; (b) the construction completion date; and (c) the date the wastewater disposal system was placed into operation.

The American Energy Corporation shall be responsible for proper operation and maintenance of the disposal system.

SPECIAL TERMS AND CONDITIONS FOR SOIL LINERS AND CAP MATERIAL

- 1) No soil material shall be placed or compacted during weather conditions which would interfere with adequate compaction or moisture content control, such as freezing temperatures or rainy conditions.
- 2) Soil material shall be placed in 9 inch loose lifts at a moisture content between (0 to 4 percent) at or net of optimum moisture content.
- 3) Soil material shall be compacted using standard engineering compaction methods unless otherwise specified in the plans to a minimum compaction rate of 95 percent of standard/modified maximum dry density.
- 4) Compacted soil material shall be tested for density and moisture content at a rate of five tests per acre for each lift, with a minimum of one test for any day that soil material is compacted. (NOTE: Specify area (L^2 .)
- 5) When a density or moisture content test is not in compliance with the detailed plans or the terms and conditions of this permit, permittee shall scarify the lift, adjust the moisture content, and recompact the soils for an area extended from the failed test to one-half the distance to the nearest passed tests, in all directions. The recompact area shall then be retested for compliance.
- 6) Results of density and moisture content testing shall be submitted to the Ohio EPA Southeast District Office. (At the following schedule: every six months during construction until liner or cap is completed).
- 7) Only soil materials specifically approved for use, in the detailed plans, may be used.
- 8) Permeability testing on the compacted soil material shall be performed at a rate of one test per 25,000 cubic yards.

The permit to install is not an authorization to discharge pollutants to waters of the state. Pursuant to Chapter 6111 of the Ohio Revised Code, the applicant shall apply for a permit to discharge (NPDES) 180 days prior to commencing any discharge from the facility herein described.

Special Conditions: Air Pollution Control Requirements:

Fugitive dust generated by this sewer construction project will be controlled as specified in OAC 3745-17-08(B) which includes, but is not limited to, the following:

No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible emissions or fugitive dust:

- (1) The use of water or other suitable dust suppression chemicals for the control of fugitive dust from the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

- (2) The periodic application of asphalt, water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust;
- (3) The covering at all times, of open bodied vehicles when transporting materials likely to become airborne;
- (4) The paving of roadways and the maintaining of roadways in a clean condition; and
- (5) The prompt removal, in such a manner as to minimize or prevent resuspension, of earth or other materials that has been deposited by trucking or earth moving equipment or erosion by water or other means.

Special PTI Conditions:

1. The use of ammonia for treatment is prohibited unless a modification to the NPDES permit is approved.
2. OEPA will re-evaluate the effectiveness of the acid mine drainage treatment system if the site becomes inactive. Revisions to the treatment system may be required at that time.
3. Resoiling for any area will begin within 60 days of that area being filled to final elevation. Resoiling will consist of two feet of re-compacted clay, eighteen inches of inert earthen material, and six inches of soil suitable for establishing vegetation. Resoiling will be completed prior to the next appropriate planting season, or within 180 days, for areas filled to final elevation. Planting will be completed on each area filled to final capacity, following resoiling, during the first appropriate period for favorable planting conditions after final preparation. In the event final design grade is not achieved, reclamation/closure of the disposal area must be completed within 3 years from the last day of refuse placement. Closure shall be performed in accordance with the approved PTI.
4. The ground water must be monitored in accordance with the approved Ground Water Monitoring Plan, submitted with the application, which is hereby approved by issuance of this permit.